

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 2, 4-10, 13, 16 and 19-54 are pending in this application. Claims 1, 2, 4-10, 13, 16, 19-22, 30, 38, 46 and 54 are amended. Claims 3, 11, 12, 14, 15, 17, and 18 are canceled. Applicants submit that no new matter is added by the claim amendments or newly added claims.

Telephonic Examiner Interview

The Applicants thank the Examiner for the telephonic interview conducted on February 26, 2009. During the interview, the Examiner asserted the rejections of claims 1, 2, 4-10, 13, and 16 under 35 U.S.C. § 112 could be overcome if the preamble were amended to recite "recording medium" rather than "a physical computer readable medium." The Applicants thank the Examiner for suggesting language to overcome the rejection under 35 U.S.C. § 112.

The Examiner also conducted a cursory review of the prior art and alleged the Kato references do not appear to disclose, at least, audio data being reproduced asynchronously with the still images. The Applicants thank the Examiner for taking time to conduct a cursory review of the prior art references and the indication that the cited art does not disclose the aforementioned feature.

The Examiner and the Applicant's representative also discussed whether or not the prior art disclosed "the presentation data being divided into a number of still picture units, each still picture unit including at least one still picture and associated related data, the related data not including audio data." In particular, the interview focused on paragraphs [0225]-[0231] of U.S. Publication 2005/0019007.

During the interview, the Examiner alleged that one skilled in the art could interpret a "still picture unit" as a picture file and argued that Kato's thumbnails anticipate the "still picture unit" recited in claim 1. The Examiner further alleged that because the thumbnails are used with playlists and clip files, they inherently include information used by the playlists and clip files. The Examiner alleged this "inherent data" anticipates the "associated related data" recited in claim 1. Accordingly, when read broadly, the Examiner asserted "the presentation data being divided into a number of still picture units, each still picture unit including

at least one still picture and associated related data, the related data not including audio data,” as recited in claim 1, is disclosed in Kato.

During the course of the interview, the Applicant’s representative directed the Examiner to FIGS. 6 - 9 of the Applicant’s disclosure which illustrates an example of a still picture unit. The Examiner agreed that Kato did not disclose the still picture unit illustrated in FIG. 6 and suggested amending the claim to better define the still picture unit. The Examiner alleged that amending claim 1 to recite “...the presentation data being divided into a number of still picture units, at least one picture and associated related data being stored within a still picture unit each still picture unit including at least one still picture and associated related data, the related data not including audio data...” would likely overcome the cited art because none of the cited art teaches a still picture unit containing at least one still picture unit and the related data. The Applicants have amended the claims in a similar manner to this suggestion. The Applicants thank the Examiner for discussing the instant amendment to the independent claims.

Rejections under 35 U.S.C. §112

The Examiner rejects claims 1, 2, 4-10, 13 and 16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Applicants respectfully traverse.

As discussed above, the Examiner indicated, in the telephonic interview conducted on February 26, 2009, that the rejection of claims 1, 2, 4-10, 13 and 16 under 35 U.S.C. § 112 could be overcome by amending the claims to recite “a recording medium” rather than “physical computer readable medium.” In light of the amendments to claims 1, 2, 4-10, 13, and 16, the Applicants submit the grounds for rejecting claims 1, 2, 4-10, 13, and 16 are moot.

For at least the reasons stated above, the Applicants respectfully request the rejection of claims 1, 2, 4-10, 13, and 16 under 35 U.S.C. § 112 be withdrawn.

Rejections under 35 U.S.C. §102

Claims 1, 4-7, 9, 10, 13, 16, 19, 20, 24-26, 28-30, 32-34, 36-38, 40-42, 44-46, 48-50, and 52-54 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication 2005/0019007 (Kato I). The Applicants respectfully traverse.

Initially, the Applicants note claims 1 and 19-22 are amended to recite:

1) “audio data being reproduced with the still images asynchronously,” and 2) “the presentation data being divided into a number of still picture units, at least one still picture and associated related data **being contained in a still picture unit.**” As discussed in the telephonic interview, the Examiner agreed that Kato I does not disclose the above features. Because Kato I does not disclose at least the above features, the Applicants submit Kato I cannot be relied on for anticipating claim 1.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 1 and 19-22, and all claims which depend thereon, under 35 U.S.C. § 102(b) as being anticipated by Kato I be withdrawn.

Rejections under 35 U.S.C. §103

Claims 2, 8, 23, 27, 31, 35, 39, 43, 47 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato I in view of U.S. Patent No. 7,224,890(Kato II). The Applicants respectfully traverse.

As discussed above, Kato I does not disclose, at least 1) “audio data being reproduced with the still images asynchronously,” and 2) “the presentation data being divided into a number of still picture units, at least one still picture and associated related data **being contained in a still picture unit.**” as recited in claims 1 and 19-22. Furthermore, the Applicants submit Kato II fails to cure these deficiencies. Accordingly, the Applicants submit that even if one skilled in the art did combine Kato I with Kato II, the combination would not render claims 1 and 19-22 obvious at least because neither reference teaches, suggests, or discloses, the aforementioned features. Accordingly, the Applicants submit claims 2, 8, 23, 27, 31, 35, 39, 43, 47 and 51 are likewise nonobvious at least by virtue of their dependency on their respective base claims.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 2, 8, 23, 27, 31, 35, 39, 43, 47 and 51 under 35 U.S.C. § 103 as being obvious over Kato I in view of Kato II be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejection has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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